

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PETALUMA CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012120556

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING AND
HEARING DATES

On December 19, 2012, attorney Carl D. Corbin, representing the Petaluma City School District (District), filed with the Office of Administrative Hearings (OAH) a request to continue the dates in this matter based upon the unavailability of witnesses over the holiday break. Parent on behalf of Student has not filed a response.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. This is the first request of this matter which was just filed this month, and the District is requesting only a short continuance of one week. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows¹:

Mediation:	January 8, 2013 at 9:30 AM
Prehearing Conference:	January 14, 2013 at 1:30 PM
Due Process Hearing:	January 22, 2013 starting at 1:30 PM and January 23, 2013 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 24, 2012

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ OAH could not accommodate the exact dates as requested by the District.